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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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PAKISTAN: Rights defenders remain at high risk

The Asian Legal Resource Centre (ALRC) would like to draw the UN Human Rights Council's attention to the rise in violence against Human Rights Defenders in Pakistan. It is unfortunate that human rights defenders, bloggers and social activists have conventionally been considered an irritant to state policies in Pakistan, and are often targeted by the state as well as non-state actors. Fundamentalist groups working under the direct tutelage of the state often use the Damocles sword of blasphemy allegation against all critics of state policies. The judiciary has been reluctant to extend a helping hand to the rights defenders who are assisting other marginalized people. The absence of an efficient and proper criminal justice system is the greatest hurdle in the implementation of the rule of law and international human rights principles.

Pakistan was one of the only 14 out of 193 states to vote against the UN Declaration on Human Rights Defenders, adopted by the General Assembly in 1998. In March 2016, Pakistan lobbied against a UN Human Rights Council resolution which sought greater protection for HRDs working in the fields of economic, social and cultural rights, arguing that 'human rights defenders' were not a special group and did not warrant a special legal status. Pakistan claimed that the recognition and protection of human rights defenders was a conspiracy by Western countries to interfere in the domestic affairs of developing countries.

Due to the worsening climate of fear and intimidation in the country, many activists working for a tolerant, progressive and inclusive Pakistan have been forced into submission or have left the country. Human rights defenders are being increasingly targeted for speaking out. Branded traitors and foreign agents, these agents of change are ostracized and blacklisted.

The disappearance of human right defenders is seldom taken up as a *suo motto* matter by Pakistan's apex courts. The ALRC's sister organization, the Asian Human Rights Commission (AHRC), has documented and reported several cases of disappearances of human rights defenders from all over Pakistan. Many of them have remained disappeared for over a decade. Merely days into 2018, two defenders were reportedly disappeared by the intelligence agencies. One of them was peasant leader and lawyer Mr. Noor Nabi, who was arrested and implicated in seven false cases for fighting the cases of peasants in the courts, as reported by the AHRC in AHRC-UAC-002-2018. A district sessions judge of Okara granted bail in all seven fabricated cases, and when Nabi's friends went to the jail to receive him, they were told that Nabi is not in their custody and he has been released many days ago. Only after a missing case was filed in court, was it revealed that the intelligence agency had taken Nabi from the jail and kept him in their custody, and after the court intervention, he was lodged in Sahiwal jail.

In another case, reported in AHRC-UAC-001-2018, a frontline activist and Chairperson of the Pakistan Fisher Folk Forum (PFF) was abducted and tortured. Mr. Mohammad Ali Shah, along with his three colleagues, was held hostage by subordinates of the Sindh Provincial Minister of Fisheries and Livestock, Muhammad Ali Malkani. As the culprit is a powerful Minister, local police officers refused to file an FIR on the incident. Ordinary citizens have raised their concern, stating that local influential persons are using their political clout to hinder activists standing up for the rights of poor fishermen.

The year 2017 saw a crackdown on intellectuals and the right to freedom of expression. Five human rights activists, who were staunch critics of state policies, were disappeared within a week. All four were proactive on social media against state atrocities, particularly those meted out to the people of Balochistan. Already being a volatile place for journalists, the state is now extending its influence over digital space, the last avenue of free speech.

As the ALRC noted to the Council in its previous submission, bloggers Waqas Goraya and Asim Saeed disappeared on 4 January 2017, while Salman Haider vanished on January 6, and Ahmed Raza Naseer and Samar Abaas on January 7. The five social media activists were said to be running a Facebook page that propagated leftist ideology, which has now been taken over by the Elite Cyber Force of Pakistan.

While all five bloggers were released after three weeks of captivity, their disappearance sent a chilling message to all dissenters to remain silent. Since then, the government of Pakistan has continued to harshly crackdown on dissenters opposing State policies of subjugation and oppression. Sindh Rangers in particular, have adopted a policy of repression to maintain their writ and any dissent is dealt with brutally, resulting in further unrest in the Province. Intellectuals, activists, and academics have been specifically targeted as they represent the voice of the repressed. Instead of curbing fundamentalists and cracking down on terrorist factions, the State is bearing down hard on leftist and secular elements. As the State and its agencies abet hardline religious zealots, academics, journalists, political activists, bloggers and human rights defenders are routinely attacked for writing and commenting on religious extremism and abuses by security forces. Often times, such attacks come in the form of enforced disappearance and extrajudicial killings to silence dissenters.

In light of the above, the ALRC would like to recommend that:

a) The Government of Pakistan, both at the federal and provincial level, and all its agencies, honor commitments to protect the rights of human rights defenders and recognize the importance and legitimacy of their work.

b) The state should instruct law enforcement officials to strictly abide by the law in all their actions throughout Pakistan. When the rights of human rights defenders are violated by state agents, such violations must be promptly investigated with a view to bringing the perpetrators to justice.

c) Steps must also be taken to prevent a recurrence of violence against defenders. Moreover, adequate steps must be taken by the state to protect human rights defenders against abuses by non-state actors.